

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
KYLE JIGGETS,

Plaintiff,

-v-

THE CITY OF NEW YORK, OFFICE OF THE
COMPTROLLER; LOCAL 32BJ, SEIU;
ALLIED INTERNATIONAL UNION and
ALLIEDBARTON SECURITY SERVICES

Defendants.
-----x

09 Civ. 3752 (JSR)

ORDER

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>2-16-10</u>

JED S. RAKOFF, U.S.D.J.

On August 24, 2009, the Honorable Ronald L. Ellis, United States Magistrate Judge, issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court dismiss the case without prejudice for failure to prosecute.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses the above-captioned action without prejudice. The Clerk of the Court is ordered to close the case.

SO ORDERED.

Dated: New York, NY
February 16, 2010


JED S. RAKOFF, U.S.D.J.